

**DEPARTMENT OF COMMERCE ELECTRONIC PAYMENT**

**FEES**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jordan D. Teuscher**

Senate Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**General Description:**

This bill amends provisions related to revenue collected by the Department of Commerce.

**Highlighted Provisions:**

This bill:

- ▶ allows the Department of Commerce (department) to collect a fee to defray the costs of electronic payments;
- ▶ creates the Commerce Electronic Payment Fee Restricted Account (restricted account);
- ▶ requires the department to deposit electronic payment fees into the restricted account; and
- ▶ provides that appropriations from the restricted account are nonlapsing.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**13-1-2**, as last amended by Laws of Utah 2021, Chapter 345



28 **63J-1-602.1**, as last amended by Laws of Utah 2021, Chapters 280, 382, 401, and 438

29 ENACTS:

30 **13-1-17**, Utah Code Annotated 1953



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **13-1-2** is amended to read:

33 **13-1-2. Creation and functions of department -- Divisions created -- Fees --**  
34 **Commerce Service Account.**

35 (1) (a) There is created the Department of Commerce.

36 (b) The department shall:

37 (i) execute and administer state laws regulating business activities and occupations  
38 affecting the public interest; and

39 (ii) ensure that any training or certification required of a public official or public  
40 employee, as those terms are defined in Section **63G-22-102**, complies with Title 63G, Chapter  
41 22, State Training and Certification Requirements, if the training or certification is required:

42 (A) under this title;

43 (B) by the department; or

44 (C) by an agency or division within the department.

45 (2) Within the department the following divisions are created:

46 (a) the Division of Occupational and Professional Licensing;

47 (b) the Division of Real Estate;

48 (c) the Division of Securities;

49 (d) the Division of Public Utilities;

50 (e) the Division of Consumer Protection; and

51 (f) the Division of Corporations and Commercial Code.

52 (3) (a) Unless otherwise provided by statute, the department may adopt a schedule of  
53 fees assessed for services provided by the department by following the procedures and  
54 requirements of Section **63J-1-504**.

55 (b) The department shall submit each fee established in this manner to the Legislature  
56 for its approval as part of the department's annual appropriations request.

57 (c) (i) There is created a restricted account within the General Fund known as the  
58

59 "Commerce Service Account."

60 (ii) The restricted account created in Subsection (3)(c)(i) consists of fees collected by  
61 each division and by the department.

62 (iii) The undesignated account balance may not exceed \$1,000,000 at the end of each  
63 fiscal year.

64 (iv) At the end of each fiscal year, the director of the Division of Finance shall transfer  
65 into the General Fund any undesignated funds in the account that exceed the amount necessary  
66 to maintain the undesignated account balance at \$1,000,000.

67 (d) The department may not charge or collect a fee or expend money from the  
68 restricted account without approval by the Legislature.

69 (4) (a) As used in this Subsection (4):

70 (i) "Business entity" means a sole proprietorship, partnership, limited partnership,  
71 limited liability company, corporation, or other entity or association used to carry on a business  
72 for profit.

73 (ii) "Fund" means the Single Sign-On Expendable Special Revenue Fund, created in  
74 Subsection (4)(c).

75 (iii) "Renewal fee" means a fee that the Division of Corporations and Commercial  
76 Code, established in Section [13-1a-1](#), is authorized or required to charge a business entity in  
77 connection with the business entity's periodic renewal of its status with the Division of  
78 Corporations and Commercial Code.

79 (iv) "Single sign-on fee" means a fee described in Subsection (4)(b) to pay for the  
80 establishment and maintenance of the single sign-on business portal.

81 (v) "Single sign-on business portal" means the same as that term is defined in Section  
82 [63A-16-802](#).

83 (b) (i) The schedule of fees adopted by the department under Subsection (3) shall  
84 include a single sign-on fee, not to exceed \$5, as part of a renewal fee.

85 (ii) The department shall deposit all single sign-on fee revenue into the fund.

86 (c) (i) There is created the Single Sign-On Expendable Special Revenue Fund.

87 (ii) The fund consists of:

88 (A) money that the department collects from the single sign-on fee; and

89 (B) money that the Legislature appropriates to the fund.

90 (d) The department shall use the money in the fund to pay for costs:  
91 (i) to design, create, operate, and maintain the single sign-on business portal; and  
92 (ii) incurred by:  
93 (A) the Department of Technology Services, created in Section 63A-16-103; or  
94 (B) a third-party vendor working under a contract with the Department of Technology  
95 Services.

96 (e) The department shall report on fund revenues and expenditures to the Public  
97 Utilities, Energy, and Technology Interim Committee of the Legislature annually and at any  
98 other time requested by the committee.

99 (5) (a) As used in this Subsection (5):

100 (i) "Costs of electronic payments" means:

101 (A) any charge, discount fee, or processing fee charged by a credit card company or  
102 processing agent to process an electronic payment; or

103 (B) the costs associated with the purchase of equipment necessary for processing  
104 electronic payments.

105 (ii) "Electronic payment" means any form of payment processed through electronic  
106 means, including a credit card, debit card, and automatic clearinghouse transaction.

107 (iii) "Electronic payment fee" means the fee the department adopts in accordance with  
108 this Subsection (5) to defray the costs of electronic payments.

109 (b) As part of the schedule of fees described in Subsection (3)(a), the department shall  
110 establish an electronic payment fee.

111 (c) The department:

112 (i) may collect an electronic payment fee from each person who applies for or renews a  
113 license or registration issued by the department or a division of the department; and

114 (ii) shall deposit into the Commerce Electronic Payment Fee Restricted Account  
115 created in Section 13-1-17 each electronic payment fee the department collects.

116 (d) The electronic payment fee described in this Subsection (5) is not subject to  
117 Subsection 63J-1-105(3) or (4).

118 (e) (i) If the department imposes an electronic payment fee, the department shall collect  
119 the electronic payment fee from each person described in Subsection (5)(c)(i) regardless of  
120 whether the person makes an electronic payment.

121 (ii) The department is not required to separately identify an electronic payment charged  
122 to a person described in Subsection (5)(c)(i).

123 Section 2. Section **13-1-17** is enacted to read:

124 **13-1-17. Commerce Electronic Payment Fee Restricted Account.**

125 (1) As used in this section:

126 (a) "Account" means the Commerce Electronic Payment Fee Restricted Account  
127 created in this section.

128 (b) "Costs of electronic payments" means the same as that term is defined in Section  
129 13-1-2.

130 (c) "Department" means the Department of Commerce.

131 (d) "Electronic payment" means the same as that term is defined in Section 13-1-2.

132 (e) "Electronic payment fee" means the same as that term is defined in Section 13-1-2.

133 (2) There is created in the General Fund a restricted account known as the "Commerce  
134 Electronic Payment Fee Restricted Account."

135 (3) The account consists of money that the department collects as an electronic  
136 payment fee in accordance with Section 13-1-2.

137 (4) Upon appropriation, the department may use money in the restricted account to  
138 cover the costs of electronic payments.

139 (5) In accordance with Section 63J-1-602.1, appropriations made to the department  
140 from the account are nonlapsing.

141 Section 3. Section **63J-1-602.1** is amended to read:

142 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

143 Appropriations made from the following accounts or funds are nonlapsing:

144 (1) The Utah Intracurricular Student Organization Support for Agricultural Education  
145 and Leadership Restricted Account created in Section 4-42-102.

146 (2) The Native American Repatriation Restricted Account created in Section 9-9-407.

147 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in  
148 Section 9-18-102.

149 (4) The National Professional Men's Soccer Team Support of Building Communities  
150 Restricted Account created in Section 9-19-102.

151 (5) Funds collected for directing and administering the C-PACE district created in

- 152 Section [11-42a-106](#).
- 153 (6) Money received by the Utah Inland Port Authority, as provided in Section  
154 [11-58-105](#).
- 155 (7) The "Latino Community Support Restricted Account" created in Section [13-1-16](#).
- 156 (8) The Clean Air Support Restricted Account created in Section [19-1-109](#).
- 157 (9) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in  
158 Section [19-2a-106](#).
- 159 (10) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in  
160 Section [19-5-126](#).
- 161 (11) The "Support for State-Owned Shooting Ranges Restricted Account" created in  
162 Section [23-14-13.5](#).
- 163 (12) Award money under the State Asset Forfeiture Grant Program, as provided under  
164 Section [24-4-117](#).
- 165 (13) Funds collected from the program fund for local health department expenses  
166 incurred in responding to a local health emergency under Section [26-1-38](#).
- 167 (14) The Children with Cancer Support Restricted Account created in Section  
168 [26-21a-304](#).
- 169 (15) State funds for matching federal funds in the Children's Health Insurance Program  
170 as provided in Section [26-40-108](#).
- 171 (16) The Children with Heart Disease Support Restricted Account created in Section  
172 [26-58-102](#).
- 173 (17) The Nurse Home Visiting Restricted Account created in Section [26-63-601](#).
- 174 (18) The Technology Development Restricted Account created in Section [31A-3-104](#).
- 175 (19) The Criminal Background Check Restricted Account created in Section  
176 [31A-3-105](#).
- 177 (20) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except  
178 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.
- 179 (21) The Title Licensee Enforcement Restricted Account created in Section  
180 [31A-23a-415](#).
- 181 (22) The Health Insurance Actuarial Review Restricted Account created in Section  
182 [31A-30-115](#).

- 183 (23) The Insurance Fraud Investigation Restricted Account created in Section  
184 [31A-31-108](#).
- 185 (24) The Underage Drinking Prevention Media and Education Campaign Restricted  
186 Account created in Section [32B-2-306](#).
- 187 (25) The School Readiness Restricted Account created in Section [35A-15-203](#).
- 188 (26) Money received by the Utah State Office of Rehabilitation for the sale of certain  
189 products or services, as provided in Section [35A-13-202](#).
- 190 (27) The Oil and Gas Administrative Penalties Account created in Section [40-6-11](#).
- 191 (28) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).
- 192 (29) The Division of Oil, Gas, and Mining Restricted account created in Section  
193 [40-6-23](#).
- 194 (30) The Electronic Payment Fee Restricted Account created by Section [41-1a-121](#) to  
195 the Motor Vehicle Division.
- 196 (31) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account  
197 created by Section [41-3-110](#) to the State Tax Commission.
- 198 (32) The Utah Law Enforcement Memorial Support Restricted Account created in  
199 Section [53-1-120](#).
- 200 (33) The State Disaster Recovery Restricted Account to the Division of Emergency  
201 Management, as provided in Section [53-2a-603](#).
- 202 (34) The Department of Public Safety Restricted Account to the Department of Public  
203 Safety, as provided in Section [53-3-106](#).
- 204 (35) The Utah Highway Patrol Aero Bureau Restricted Account created in Section  
205 [53-8-303](#).
- 206 (36) The DNA Specimen Restricted Account created in Section [53-10-407](#).
- 207 (37) The Canine Body Armor Restricted Account created in Section [53-16-201](#).
- 208 (38) The Technical Colleges Capital Projects Fund created in Section [53B-2a-118](#).
- 209 (39) The Higher Education Capital Projects Fund created in Section [53B-22-202](#).
- 210 (40) A certain portion of money collected for administrative costs under the School  
211 Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).
- 212 (41) The Public Utility Regulatory Restricted Account created in Section [54-5-1.5](#),  
213 subject to Subsection [54-5-1.5\(4\)\(d\)](#).

214 (42) Funds collected from a surcharge fee to provide certain licensees with access to an  
215 electronic reference library, as provided in Section 58-3a-105.

216 (43) Certain fines collected by the Division of Occupational and Professional Licensing  
217 for violation of unlawful or unprofessional conduct that are used for education and enforcement  
218 purposes, as provided in Section 58-17b-505.

219 (44) Funds collected from a surcharge fee to provide certain licensees with access to an  
220 electronic reference library, as provided in Section 58-22-104.

221 (45) Funds collected from a surcharge fee to provide certain licensees with access to an  
222 electronic reference library, as provided in Section 58-55-106.

223 (46) Funds collected from a surcharge fee to provide certain licensees with access to an  
224 electronic reference library, as provided in Section 58-56-3.5.

225 (47) Certain fines collected by the Division of Occupational and Professional Licensing  
226 for use in education and enforcement of the Security Personnel Licensing Act, as provided in  
227 Section 58-63-103.

228 (48) The Relative Value Study Restricted Account created in Section 59-9-105.

229 (49) The Cigarette Tax Restricted Account created in Section 59-14-204.

230 (50) Funds paid to the Division of Real Estate for the cost of a criminal background  
231 check for a mortgage loan license, as provided in Section 61-2c-202.

232 (51) Funds paid to the Division of Real Estate for the cost of a criminal background  
233 check for principal broker, associate broker, and sales agent licenses, as provided in Section  
234 61-2f-204.

235 (52) Certain funds donated to the Department of Human Services, as provided in  
236 Section 62A-1-111.

237 (53) The National Professional Men's Basketball Team Support of Women and  
238 Children Issues Restricted Account created in Section 62A-1-202.

239 (54) Certain funds donated to the Division of Child and Family Services, as provided  
240 in Section 62A-4a-110.

241 (55) The Choose Life Adoption Support Restricted Account created in Section  
242 62A-4a-608.

243 (56) Funds collected by the Office of Administrative Rules for publishing, as provided  
244 in Section 63G-3-402.

- 245 (57) The Immigration Act Restricted Account created in Section [63G-12-103](#).
- 246 (58) Money received by the military installation development authority, as provided in  
247 Section [63H-1-504](#).
- 248 (59) The Computer Aided Dispatch Restricted Account created in Section [63H-7a-303](#).
- 249 (60) The Unified Statewide 911 Emergency Service Account created in Section  
250 [63H-7a-304](#).
- 251 (61) The Utah Statewide Radio System Restricted Account created in Section  
252 [63H-7a-403](#).
- 253 (62) The Utah Capital Investment Restricted Account created in Section [63N-6-204](#).
- 254 (63) The Motion Picture Incentive Account created in Section [63N-8-103](#).
- 255 (64) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,  
256 as provided under Section [63N-10-301](#).
- 257 (65) Funds collected by the housing of state probationary inmates or state parole  
258 inmates, as provided in Subsection [64-13e-104\(2\)](#).
- 259 (66) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,  
260 and State Lands, as provided in Section [65A-8-103](#).
- 261 (67) The Transportation of Veterans to Memorials Support Restricted Account created  
262 in Section [71-14-102](#).
- 263 (68) The Amusement Ride Safety Restricted Account, as provided in Section  
264 [72-16-204](#).
- 265 (69) Certain funds received by the Office of the State Engineer for well drilling fines or  
266 bonds, as provided in Section [73-3-25](#).
- 267 (70) The Water Resources Conservation and Development Fund, as provided in  
268 Section [73-23-2](#).
- 269 (71) Funds donated or paid to a juvenile court by private sources, as provided in  
270 Subsection [78A-6-203\(1\)\(c\)](#).
- 271 (72) Fees for certificate of admission created under Section [78A-9-102](#).
- 272 (73) Funds collected for adoption document access as provided in Sections [78B-6-141](#),  
273 [78B-6-144](#), and [78B-6-144.5](#).
- 274 (74) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,  
275 Utah Indigent Defense Commission.

276 (75) The Utah Geological Survey Oil, Gas, and Mining Restricted Account created in  
277 Section [79-3-403](#).

278 (76) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State  
279 Park, and Green River State Park, as provided under Section [79-4-403](#).

280 (77) Certain funds received by the Division of State Parks from the sale or disposal of  
281 buffalo, as provided under Section [79-4-1001](#).

282 (78) The Drinking While Pregnant Prevention Media and Education Campaign  
283 Restricted Account created in Section [32B-2-308](#).

284 (79) The Commerce Electronic Payment Fee Restricted Account created in Section  
285 [13-1-17](#).